

**Mandates of the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 26/20, 24/6, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of **Mr. Abdul Basit**, a Pakistani national with a disability, who is reportedly at risk of imminent execution in Pakistan.

According to the information received:

In 2008, Mr. Abdul Basit, a Pakistani national was arrested in connection with the death of the uncle of a student registered at *Independent College* where he worked. On 19 May 2009, he was convicted of murder and sentenced to death under section 302(b) of the Pakistan Penal Code. On 12 June 2012, the High Court of Pakistan dismissed his appeal, and on 13 December 2012, the Supreme Court rejected a second appeal.

Mr. Basit, who was initially held for 18 months in Sahiwal jail when he was arrested in 2008, was then transferred to Faisalabad Central jail. In July 2010, during his detention, Mr. Basit suffered from the very high temperatures which resulted in a high fever. His health deteriorated to the point that he fell into a coma for twenty-five days. On 1 August 2010, the authorities temporarily transferred him to the DHQ Hospital, in Faisalabad, where he was treated and

diagnosed with tuberculous meningitis. He was discharged from the DHQ Hospital to the Medical Superintendent at DHQ Hospital. Before being transferred back to Central Jail Faisalabad, he was detained in Kot Lakhpat prison. His conditions further deteriorated, resulting in complications that left him with a permanent paralysis of the lower abdomen and the need for a wheelchair.

On 30 December 2011, a medical board appointed by the Lahore High Court, at Services Hospital in Lahore concluded that Mr. Basit will remain "paralyzed permanently". The medical board also assessed that his management would be very difficult in jail. In March 2012, at the request of the judicial authorities a second medical board of the DHQ Hospital, in Faisalabad concluded that there is a minimal chance of recovery for Mr. Basit. Paralysis from the waist down and the longer-term complications arising from the atrophy of his spinal cord were a consequence of the tuberculous meningitis that he contracted in prison. The same medical assessment concluded that he is unable to carry out the most basic functions, [REDACTED] and has decreased power in his upper arms.

It is reported that Mr. Basit has no longer access to a wheelchair, and he is currently confined to lying in his cell. Due to his inability to walk, the lack of access to a wheelchair, Mr. Basit has to rely on the prison officers to assist him with his personal hygiene and to use a catheter for urination. [REDACTED], the conditions of his detention are not only unhygienic but also inhumane and undignified. In 2013 and 2014, two requests to transfer Mr. Basit to an appropriate medical facility have been refused by both the jail authorities and the Lahore High Court.

As Rule 107(iv) of the Pakistan Prison Rules (1978) specify ill-health as a ground on which commutation of sentence can be sought, in January 2013, after the exhaustion of all local remedies, Mr. Basit's family summited a mercy petition requesting a commutation of his sentence on the basis of, inter alia, his disability. This petition was rejected.

The execution warrant for Mr. Basit could be issued at any time.

We express grave concern at the imminent execution faced by Mr. Abdul Basit, who has a disability as a result of the severe conditions of detention, which may be in contravention of international human rights law, especially the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the rights of persons with disabilities to reasonable accommodation and non-discrimination, and the absolute prohibition of torture and ill treatment.

We also express concern that the execution of Mr. Basit, if carried out, would represent a further departure by Pakistan from the world trend toward the abolition of the death penalty. In this connection we express further grave concern about the number of executions reported to have taken place in Pakistan since your Excellency's Government elected to end a moratorium on the death penalty at the end of last year.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the fact that any judgments imposing the death sentence to persons with disabilities are incompatible with the international legal obligations undertaken by your Excellency's Government under various instruments.

We would also like to bring to the attention of your Excellency's Government that articles 10 and 15 of the Convention on the Rights of Persons with Disabilities ratified by Pakistan on 5 July 2011 expressly calls upon the States parties to take all necessary measures to ensure the effective enjoyment of the right to life by persons with disabilities on an equal basis with others, and not to be subjected to torture and cruel, inhuman or degrading treatment or punishment. Furthermore, the Committee on the rights of persons with disabilities has stated that the denial of reasonable accommodation in detention can be considered a form of discrimination, and in some instances also as a form of torture and ill treatment.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Pakistan ratified on 23 June 2010.

In addition, we would like to refer your Excellency's Government to General Comment 14 on article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Pakistan on 17 April 2008, which underlines the obligation of States to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services (para.34). Moreover, the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, underline that prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

**In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to halt the execution of Mr. Abdul Basit, which if carried out, would be inconsistent with acceptable standards of international human rights law. We call upon your Excellency's Government not to execute him and to commute without delay the death sentence. We also reiterate our appeal to Pakistan to extend the moratorium on death penalty, and to consider its complete abolition.**

Moreover, it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your observations on any additional information and any comment you may have on the above mentioned allegations.

We may publicly express our concerns in the near future as we are confident that the information described above is sufficiently reliable to indicate a matter warranting immediate attention. The press release would indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the right of everyone to the enjoyment of the  
highest attainable standard of physical and mental health

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